

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT GLENN DUNN,

Plaintiff,

vs.

COMMISSIONER of SOCIAL SECURITY,

Defendant.

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CIVIL NO. 17-cv-1104-JPG-CJP

MEMORANDUM AND ORDER

Before the Court is the parties' Agreed Motion for Remand (Doc. 18). The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corp. Compr. Disability Prot. Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-03 (1993).

The parties agree that, upon remand, "the claim will be sent to an administrative law judge (ALJ) for a new administrative hearing at which Plaintiff will be afforded the opportunity to testify, submit additional evidence, and make arguments. The ALJ will reevaluate Plaintiff's subjective symptoms, reconsider the opinion of his treating physician, reevaluate his residual functional capacity, and issue a new decision."

Plaintiff applied for disability benefits in July 2014. (Tr. 17.) While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion for Remand (Doc. 18) is **GRANTED**. The final decision of the Commissioner of Social Security denying plaintiff's application for

social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk of Court is **DIRECTED** to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: May 29, 2018

s/ J. Phil Gilbert

J. PHIL GILBERT

UNITED STATES DISTRICT JUDGE